

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 Demorris Brooks  
15 Defendant.  
16

CASE NO. CR 09-1005-VBF-7  
ORDER OF DETENTION

17  
18 I

19 A. ( ) On motion of the Government in a case allegedly  
20 involving:

- 21 1. ( ) a crime of violence.  
22 2. ( ) an offense with maximum sentence of life  
23 imprisonment or death.  
24 3. ( ) a narcotics or controlled substance offense with  
25 maximum sentence of ten or more years.  
26 4. ( ) any felony - where defendant convicted of two or  
27 more prior offenses described above.  
28

1 5. ( ) any felony that is not otherwise a crime of  
2 violence that involves a minor victim, or possession or use  
3 of a firearm or destructive device or any other dangerous  
4 weapon, or a failure to register under 18 U.S.C. § 2250.

5 B. ( ) On motion by the Government/ (✓) on Court's own motion,  
6 in a case allegedly involving: *on the commission of a crime while*  
7 *on pretrial release*

( ) On the further allegation by the Government of:

8 1. ( ) a serious risk that the defendant will flee.

9 2. ( ) a serious risk that the defendant will:

10 a. ( ) obstruct or attempt to obstruct justice.

11 b. ( ) threaten, injure or intimidate a prospective  
12 witness or juror, or attempt to do so.

13 C. The Government (✓) is/ ( ) is not entitled to a rebuttable  
14 presumption that no condition or combination of conditions will  
15 ~~reasonably assure the defendant's appearance as required and the~~ *protect*  
16 safety or any person or the community. *See 18 U.S.C. § 3148.*

17  
18 II

19 A. (✓) The Court finds that no condition or combination of  
20 conditions will reasonably assure:

21 1. ( ) the appearance of the defendant as required.

22 ( ) and/or

23 2. (✓) the safety of any person or the community.

24 B. (✓) The Court finds that the defendant has not rebutted by  
25 sufficient evidence to the contrary the presumption provided by  
26 statute.

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III

The Court has considered:

- A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- B. the weight of evidence against the defendant;
- C. the history and characteristics of the defendant; and
- D. the nature and seriousness of the danger to any person or the community.

IV

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V

The Court bases the foregoing finding(s) on the following:

- A. ( ) As to flight risk:

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1 B. ( ) As to danger:  
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9 VI

10 A. ( ) The Court finds that a serious risk exists the defendant  
11 will:

12 1. ( ) obstruct or attempt to obstruct justice.

13 2. ( ) attempt to/ ( ) threaten, injure or intimidate a  
14 witness or juror.

15 B. The Court bases the foregoing finding(s) on the following:  
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17 \_\_\_\_\_  
18 \_\_\_\_\_  
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20 VII


21 A. IT IS THEREFORE ORDERED that the defendant be detained prior  
22 to ~~trial~~ *further court proceedings*.

23 B. IT IS FURTHER ORDERED that the defendant be committed to the  
24 custody of the Attorney General for confinement in a corrections  
25 facility separate, to the extent practicable, from persons  
26 awaiting or serving sentences or being held in custody pending  
27 appeal.  
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1 C. IT IS FURTHER ORDERED that the defendant be afforded  
2 reasonable opportunity for private consultation with counsel.

3 D. IT IS FURTHER ORDERED that, on order of a Court of the United  
4 States or on request of any attorney for the Government, the  
5 person in charge of the corrections facility in which defendant  
6 is confined deliver the defendant to a United States marshal for  
7 the purpose of an appearance in connection with a court  
8 proceeding.  
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10  
11 DATED: 9/19/11

  
12 RALPH ZAREFSKY  
13 UNITED STATES MAGISTRATE JUDGE

14 S:\RZ\CRIM\Dtn Ord (Sept 06).wpd  
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